

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TIMOTHY L. JOHNSON,

Case No. 05-71083

Plaintiff,

DISTRICT JUDGE  
ARTHUR J. TARNOW

v.

MAGISTRATE JUDGE  
R. STEVEN WHALEN

OFFICER SADZEWICZ, *et al.*,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION [DE 21], GRANTING  
DEFENDANTS' MOTION TO DISMISS [DE 14], DISMISSING CLAIMS AGAINST  
FINCH, MAGULICK, BLACK, ZAMORA, VROMAN, CULVER, AND PEPPER WITH  
PREJUDICE, AND DISMISSING CLAIMS AGAINST SADZEWICZ WITHOUT  
PREJUDICE**

Before the Court is Defendants' motion to dismiss [DE 14]. The Court referred the motion to the Magistrate Judge for report and recommendation. The Magistrate Judge filed a report and recommendation recommending that Plaintiff's complaint be dismissed as to all defendants except Sadzewicz. As to Sadzewicz, the Magistrate Judge recommends that Plaintiff's complaint be dismissed without prejudice, unless Plaintiff files an amended complaint within 21 days containing only the retaliation claim against Sadzewicz.

The Court has reviewed the report and recommendation as well Plaintiff's objections. The Court agrees with the Magistrate Judge's conclusion that Plaintiff's complaint states a valid claim against Defendant Sadzewicz only. Therefore,

IT IS HEREBY ORDERED that the report and recommendation is ADOPTED as the findings and conclusions of the Court.

Johnson v. Sadzewicz, et al.  
Case No. 05-71083

IT IS FURTHER ORDERED that Defendants' motion to dismiss is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's claims against defendants Finch, Magulick, Black, Zamora, Vroman, Culver, and Pepper are DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that Defendant's claims against defendant Sadzewicz are DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Plaintiff may file an amended complaint as to Sadzewicz only within 21 days of being served with this order.

SO ORDERED.

s/Arthur J. Tarnow  
Arthur J. Tarnow  
United States District Judge

Dated: March 21, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 21, 2006, by electronic and/or ordinary mail.

s/Theresa E. Taylor  
Case Manager